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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,127	04/29/2002	Kari Pajukoski	870A.0004.U1(US)	5550
29683 7590 07/11/2007 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER AHN, SAM K	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 07/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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# Office Action Summary

Application No.

10/009,127

Applicant(s)

PAJUKOSKI ET AL.

Examiner

Sam K. Ahn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12,15-18,22-31,33-41,43,44,46-50 and 52-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,15-18,22-31,33-41,43,44,46-50 and 52-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments, see p.18, filed 04/27/07, with respect to the rejection(s) of claim(s) 1,2,9,10,12,17-21,30,32,37-39,43,44,49,50 and 55 under 103(a) have been fully considered and are persuasive. The rejection has been withdrawn.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-3,5-12,15-18,22-31,33-41,43,44,46-50 and 52-55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 1, the claim appears to recite a method steps of calculating a variance estimate by integrating and subtracting, the equation (3) in page 12 of the instant application. The specification describes that the variance estimate or the interference estimator is calculated by performing the equations of 5 and 6 in page 13 wherein *c* denotes the length of the spreading code of the received control signal, note lines 23-24, page 13, and *m* denotes the length of the shortest code period,

note lines 1-2, page 12, wherein equations 5 and 6 perform over  $c/m$ . However, the claim recites "... calculating a variance estimate...by: integrating said despread sample signal over a spreading code length... integrating a signal corresponding to a power of said despread sample signal over said plurality of spreading code lengths....". From the claim limitations and the description of the specification, clearly the two are not the same. In order to calculate the variance estimate, the function is performed over  $c/m$ , and not as recited. Integrating over said spreading code length or said plurality of spreading code lengths are different from integrating over  $c/m$ . Therefore, the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art.

Regarding claim 5, the claim recites "m denotes a number of chips of said predetermined code period" while the specification describes, as also previously explained, m denotes the length of the shortest code period, note lines 1-2, page 12. A number of chips, as recited in the claim is different from length of the shortest code period as explained in the specification. Therefore, the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art.

Regarding claim 6, the claim recites "m denotes a number of chips of said predetermined code period" while the specification describes, as also previously explained, m denotes the length of the shortest code period, note lines 1-2, page 12.

A number of chips, as recited in the claim is different from length of the shortest code period as explained in the specification. Therefore, the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art.

Regarding claim 7, the claim recites "m denotes a number of chips of said predetermined code period" while the specification describes, as also previously explained, m denotes the length of the shortest code period, note lines 1-2, page 12.

A number of chips, as recited in the claim is different from length of the shortest code period as explained in the specification. Therefore, the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art.

Regarding claim 8, the claim recites "m denotes a number of chips of said predetermined code period" while the specification describes, as also previously explained, m denotes the length of the shortest code period, note lines 1-2, page 12.

A number of chips, as recited in the claim is different from length of the shortest code period as explained in the specification. Therefore, the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art.

In claim 10, the claim appears to recite a method steps of calculating a variance estimate by integrating and subtracting, the equation (3) in page 12 of the instant application. The specification describes that the variance estimate or the interference estimator is calculated by performing the equations of 5 and 6 in page 13 wherein *c denotes the length of the spreading code of the received control signal*, note lines 23-24, page 13, and *m denotes the length of the shortest code period*, note lines 1-2, page 12, wherein equations 5 and 6 perform over  $c/m$ . However, the claim recites "... calculating a variance estimate...by: integrating said despread sample signal over a spreading code length... integrating a signal corresponding to a power of said despread sample signal over said plurality of spreading code lengths....". From the claim limitations and the description of the specification, clearly the two are not the same. In order to calculate the variance estimate, the function is performed over  $c/m$ , and not as recited. Integrating over said spreading code length or said plurality of spreading code lengths are different from integrating over  $c/m$ . Therefore, the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art.


Claims 2,3,11,12,15-18,22-31,33-41,43,44,46-50 and 52-55 directly or indirectly depend on one of the rejected claims above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Ahn whose telephone number is (571) 272-3044. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sam K. Ahn  
Patent Examiner

7/5/07